

IN THE CLAIMS:

Please cancel Claim 7, without prejudice to or disclaimer of the subject matter recited therein.

Please amend Claims 1-5, 8, and 9, as follows. A marked-up copy of the claims, showing the changes made thereto, is attached. For the Examiner's convenience, all of the pending claims are provided below.

1. (Amended) A diffractive optical element comprising:

a first diffractive optical part having a phase-type diffractive grating; and
a second diffractive optical part having a phase-type diffractive grating;
said first diffractive optical part and said second diffractive optical part

being disposed in proximity to each other with a space therebetween;

each of said first diffractive optical part and said second diffractive optical part having a mark in an optical effective area thereof for aligning them.

2. (Amended) The diffractive optical element of Claim 1, wherein the

diffractive grating of each of said first diffractive optical part and said second diffractive

optical part is a diffractive grating formed into a concentric circular shape, and said mark

has a size of 0.1% or less of a projection area of a first diffractive grating area as counted from the center.

Sub
B1
end

3. (Amended) The diffractive optical element of Claim 2, wherein the influence of said mark upon the optical performance of said diffractive optical element is smaller than the reduction of optical performance due to the manufacturing accuracy associated with said diffractive optical element.

A'
cont'd

4. (Amended) The diffractive optical element of Claim 1, wherein said first diffractive optical part and said second diffractive optical part are formed of difference materials.

Sub
B2

5. (Amended) The diffractive optical element of Claim 1, wherein the depth of said mark is 10% or less relative to the depth of the diffractive grating of each of said first diffractive optical part and said second diffractive optical part.

Sub
B3

6. An optical system provided with the diffractive optical element of Claim 1.

8. (Amended) A method of manufacturing a diffractive optical element comprising:

the step of molding a first diffractive optical part having a phase-type

diffractive grating;

the step of molding a second diffractive optical part having a phase-type

diffractive grating;

A2
Sub
B4